

REMARKS/ARGUMENTS

The Final Office Action of July 25, 2007 has been carefully reviewed. Claims 1, 3-11, 13-24, 26-34, 36-44 and 46-54 remain pending in the application. Claim 34 has been amended by this response to correct a typographical error. No new matter has been added and no new issues are raised by this amendment. Applicants respectfully traverse the rejections in view of the above amendments and the remarks that follow.

Rejection under 35 U.S.C. §103(a)

Claims 1, 3-11, 13-24, 26-34, 36-44 and 46-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zoltners et al., “Integer Programming Models for Sales Resource Allocation”, Dulaney et al. (U.S. 6,341,269) and in further view of “Profits per square foot for frozen 40-50% higher than grocery: Study”, Frozen Food Age.

Claim 1 includes the feature of “determining each profit function from a corresponding demand distribution for the spatial allotment **of each said department.**” (Emphasis added). The feature is described in the specification, for example, on page 12, lines 1-20 and in Figure 5. 616).

Beginning at the bottom of page 5, the Office Action admits that Zoltners “does not expressly disclose the allocations being constrained by a total floor area, each class corresponding to a department of the business operation.” As an initial matter the Applicants note that the deficiency in Zoltners noted in the Office Action is not entirely consistent with the claimed feature of “determining each profit function from a corresponding demand distribution for the spatial allotment of each said department.” Beginning at the bottom of page 5, the Office

Action cites the “Profits” reference as disclosing “profit data corresponding to profit per square footage per department.” The “Profits” reference merely indicates that research suggests that frozen food generates 40% to 50% more net profit per square foot of facing than does dry grocery. There is no discussion of making any profit function determinations for multiple departments. In fact, on page 6, the Office Action merely alleges that:

It would have been obvious to a person of ordinary skill in the art to modify Zoltners to have profit data corresponding to profit per square footage per department because doing so provides retailers with more specific information of cost, gross margins and sales on a square footage level of details . . . , thereby enhancing the granularity and comprehensiveness of the information provided by the profit maximization models of Zoltners, which ultimately facilitates decision makers in making profit-maximizing decisions.

The “Profits” reference does not teach or suggest and the Office Action does not even allege that the “Profits” reference discloses “determining each profit function from a corresponding demand distribution for the spatial allotment of each said department,” as claimed in claim 1. As a result, the Applicants respectfully submit that no conceivable combination of Zoltners and the “Profits” reference renders claim 1 unpatentable. This feature is also not disclosed or alleged to be disclosed in Dulaney et al.

Independent claims 11, 24, 34 and 44 also include the feature of “determining each profit function from a corresponding demand distribution for the spatial allotment of each said department” and are allowable for at least reasons similar to those provided above. The claims that depend from claims 1, 11, 24, 34 and 44 are allowable for at least the same reasons as the claims from which they depend.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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